

**IN THE CLAIMS:**

The text of all pending claims, (including withdrawn claims) is set forth below. Cancelled and not entered claims are indicated with claim number and status only. The claims as listed below show added text with underlining and deleted text with ~~strikeout~~. The status of each claim is indicated with one of (original), (currently amended), (cancelled), (withdrawn), (new), (previously presented), or (not entered).

Please AMEND the claims in accordance with the following:

1.-11. (CANCELLED)

12. (New) A communication method of performing communications between a communication device and other communication device, the method comprising:

measuring performances of communication between the other communication device of different communication modes, under a plurality of different communication conditions respectively;

determining, as a threshold, a communication condition that a communication performance of one of the communication modes exceeds a communication performance of other communication mode based on a result of the measurement; and

selecting, depending on a communication condition, a communication mode that the communication performance exceeds the communication performance of the other communication mode as an optimum communication mode to communicate with the other communication device, based on the determination.

13. (New) The communication method according to claim 12, wherein the measuring of communication performances and the determining of the communication condition are performed for each communication device, when the communication device communicates with a plurality of the other communication devices.

14. (New) The communicating method according to claim 12, wherein the communication condition is a size of data to be communicated with the other communication device.

15. (New) A communication device communicates with a plurality of other communication devices, the communication device comprising:

a unit that measures performances of a communication between the other communication devices in different communication modes, under different communication data sizes respectively, for each of the other communication devices;

a unit that determines, for each of the other communication devices a communication data size that a communication performance of a first communication mode exceeds a communication performance of a second communication mode; and

a unit that selects, depending on a communication data size, a communication mode that a corresponding communication performance exceeds a communication performance of the other communication mode to communicate with the other communication device.

16. (New) The communication device according to claim 15, further comprising:

a table that stores relationship between a communication data size and a communication mode to be selected, for each of the other communication devices, based on a result of the determination,

wherein the unit that selects the communication mode refers to the table to select a communication mode that is suitable for a certain communication data size.

17. (New) The communication device according to claim 15, further comprising:

a table that stores the determined communication data size as a threshold value, and a communication mode to be selected,

wherein the unit that selects the communication mode refers to the table and selects a communication mode by comparing a certain communication data size to the threshold value.

18. (New) A computer readable medium storing a computer executable program implementing a method causing a computer to perform communications between other communication devices in a plurality of communication modes, the method comprising:

measuring performances of communication between the other communication devices in different communication modes, under a plurality of different communication conditions respectively, for each of the other communication devices;

determining, for each of the other communication devices, a communication condition

that a communication performance of one of the communication modes exceeds a communication performance of the other communication mode, for each other of the other communication devices; and

selecting a communication mode for communicating with the other communication device, in which its communication performance exceeds a communication performance of the other communication mode in connection with a communication condition.

19. (New) A method for optimizing communication condition of a communication between other communication device, the method comprising:

communicating, on a communicating line, with the other communication device in both a first communication mode and in a second communication mode that is different from the first communication mode, under a plurality of different communication conditions respectively;

measuring a communication performance in the first communication mode, and a communication performance in the second communication mode under each of the communication conditions;

determining a communication condition in which a communication performance of the first communication mode exceeds a communication performance of the second communication mode; and

selecting, among the first communication mode and the second communication mode, a communication mode for communicating with the other communication device that the communication performance exceeds that of the other communication mode, corresponding to a communication condition.

20. (New) The method according to claim 19, wherein the communication condition is a size of data to be communicated with the other communication device.

21. (New) The method according to claim 19, further comprising:

storing the determined communication condition, as a threshold, for each of the other communication devices; and

referring to the stored threshold when selecting the communication mode to communicate with the other communication device.

22. (New) The method according to claim 19, further comprising:

storing a relationship between a communication condition and a communication mode to be applied for a communication with the other communication device;

wherein when selecting a communication mode, referring to the stored relationship and determining a communication mode that corresponds to a certain communication condition.